

SENATE BILL 2293  
By Ford

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, relative to motor vehicle safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311(a), is amended by adding the following language as a new, appropriately designated subdivision:

(3) While operating a motor vehicle in motion on any public highway, street, or roadway, a person with a learner permit shall not use a mobile telephone. Violation of this subdivision is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00); and such driver shall become ineligible to apply for an intermediate driver license for an additional ninety (90) days from the time the driver would otherwise be eligible to obtain such license type. It is an affirmative defense to prosecution under this subdivision, which must be proven by a preponderance of the evidence, that the driver's use of the mobile telephone was necessitated by a *bona fide* emergency. For purposes of this subdivision, "mobile telephone" means a cellular, analog, wireless, or digital telephone.

SECTION 2. Tennessee Code Annotated, Section 55-50-311(e), is amended by adding the following language as a new, appropriately designated subdivision:

(3) While operating a motor vehicle in motion on any public highway, street, or roadway, a person issued an intermediate driver license shall not use a mobile telephone. Violation of this subdivision is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00); and such driver shall become ineligible to apply for an unrestricted driver license for an additional ninety (90) days from the time the driver would otherwise be eligible to obtain such license type. It is an affirmative defense to prosecution under this subdivision, which must be proven by a preponderance of the

evidence, that the driver's use of the mobile telephone was necessitated by a *bona fide* emergency. For purposes of this subdivision, "mobile telephone" means a cellular, analog, wireless, or digital telephone.

SECTION 3. Tennessee Code Annotated, Section 55-50-502(c), is amended by adding the following language as a new, appropriately designated subdivision:

(5) While operating a motor vehicle in motion on any public highway, street, or roadway, a person issued a restricted license shall not use a mobile telephone.

Violation of this subdivision is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00); and such driver shall become ineligible to apply for an unrestricted driver license for an additional ninety (90) days from the time the driver would otherwise be eligible to obtain such license type. It is an affirmative defense to prosecution under this subdivision, which must be proven by a preponderance of the evidence, that the driver's use of the mobile telephone was necessitated by a *bona fide* emergency. For purposes of this subdivision, "mobile telephone" means a cellular, analog, wireless, or digital telephone.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.